

**UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA**

**PATRICIA GRAHAM,**

**Plaintiff**

**VS**

**UNITED STATES,**

**Defendant.**

**Case No.:** 1:21CV00017

CLERKS OFFICE U.S. DIST. COURT  
AT ABINGDON, VA

FILED

4/20/21

JULIA C. DUDLEY, CLERK  
BY: LOTTIE LUNSFORD  
DEPUTY CLERK

**COMPLAINT**

Plaintiff Patricia Graham, by and through her attorney, Terrence Shea Cook, Esquire, claims of the Defendant damages of One Hundred Fifty Thousand Dollars (\$150,000.00) upon causes of action whereof the following is a statement:

**JURISDICTION**

1. Plaintiff brings this action under the Federal Tort Claims Act, 28 U.S.C. Chapter 171, §2674. Jurisdiction is invoked pursuant to 28 U.S.C. §1346.

2. Venue is proper in this judicial district pursuant to 28 U.S.C. §1391(b) inasmuch as Plaintiff's causes of action arose in the Western District of Virginia, and all the Defendants are found in the Western District of Virginia.

3. An administrative claim was filed on the Plaintiff's behalf with the United States Postal Service, but said Postal Service did not make a final disposition of the claim within six months of the date, or by June 2, 2019, a final disposition of the claim for purposes of 28 U.S.C. §2675.

## **PARTIES**

4. The Plaintiff is Patricia Graham, an adult female who resides in North Tazewell, Virginia and county of Tazewell.

5. The Defendant is the United States Postal Service (hereinafter “Postal Service”), an agency of the United States government, have a local office at North Tazewell, Virginia.

## **FACTS**

6. At all times relevant hereto, Defendant Postal Service maintained for the convenience of patrons a side-walk along the periphery of the facility parking lot in order for patrons to walk to the entrance without traversing automobile traffic.

7. At all times relevant hereto, Defendant Postal Service owed the Plaintiff a duty of care and obligation to maintain its property, including the sidewalk to the entrance in a safe condition so as to preclude it from posing an unreasonable risk of danger to the Plaintiff.

8. On or about February 20, 2018, Defendant Postal Service breached that duty by failing to maintain the sidewalk in a safe condition, and allowing a crack to occur in the cement resulting in an uneven surface that posed an unreasonable trip hazard to the Plaintiff.

9. On or about February 20, 2019, Plaintiff entered into the post office, procured her mail and was walking back to her vehicle via the subject sidewalk. As she adjusted her path of travel to accommodate another pedestrian to pass in the opposite direction, she tripped on the uneven surface of the sidewalk caused by the previously referenced crack, fell forward to the ground, and was severely injured.

10. More specifically, as a direct and proximate result of slipping and falling as described above, Patricia Graham suffered a concussion, torn rotator cuff(s), and injuries to the cervical

region of the neck, right knee and ankle, and was forced to incur medical debts for the treatment of her injuries.

11. After the fall, Plaintiff was initially taken to Tazewell Community Hospital, and has received additional medical treatment from various providers, including, but not limited to cervical surgery at Bristol Regional Medical Center.

12. Plaintiff Graham would not have been injured but for Defendant Postal Service's breach of its duty or care to the Plaintiff as described herein.

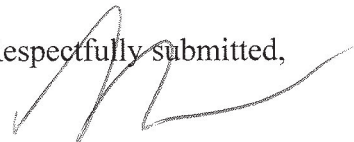
13. As a direct and proximate result of Defendant Post Service's breach of its duty of care as described herein, Plaintiff Graham was injured as described herein.

14. As a further direct and proximate result of Defendant's Postal Service's breach of its duty of care as described herein, Plaintiff Graham suffered extreme physical and mental pain and discomfort, and was forced to incur medical expenses in being treated for her injuries.

**AD DAMNUM**

**WHEREFORE**, Plaintiff Graham demands judgment in her favor and against Defendant Postal Service of One Hundred and Fifty Thousand Dollars (\$150,000.00).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. Shea Cook', with a long horizontal flourish extending to the right.

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Terrence Shea Cook, Esquire